

REMARKS:

Claims 1-24 are pending. Claims 1 and 11 are amended. Applicants respectfully request entry of the above amendments and consideration of the following remarks.

1. Response to Advisory Action

In section 3 of the Advisory Action mailed April 20, 2007, the Examiner indicated that the proposed amendments, which related to the claimed current path being defined “within the buckle,” were not entered because they raise new issues that would require further consideration and/or search. Applicants have therefore re-submitted those amendments and the arguments relating thereto for further consideration.

In section 11 of the Advisory Action, The Examiner asserts, with no supporting evidence, that systems capable of continuing operation once begun, such as switch-activated alarm systems, are notoriously old and well known in the art. It is impossible for Applicants properly to respond in this paper to a rejection based upon alarm systems that have not been cited and which allegedly operate in the stated manner. The notice of facts beyond the record which may be taken by the Examiner must be “capable of such instant and unquestionable demonstration as to defy dispute” *See*, MPEP 2144.03. Applicants respectfully submit that the inner workings and circuitry of alarm systems are not so notoriously old and well known as to support such a rejection, particularly when applied to claims directed to passenger lifts.

Finally, Applicants submit that one of ordinary skill in the art of wheelchair lifts would not be motivated to look to alarm systems when solving wheelchair lift-related problems. Any references relating to alarm systems would therefore be non-analogous art with respect to the claimed invention, and any rejection based thereon would be improper.

2. Rejections Under 35 U.S.C. § 103(a)

Claims 15 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tremblay. As conceded by the Examiner, Tremblay is silent concerning the drive system being capable of continuing actuation once begun and after the buckle and belt are in the disengaged state. The Examiner contends that systems capable of continuing operation once begun, such as switch-activated alarm systems, are notoriously old and well known in the art. Even assuming

that the Examiner is able to support such an assertion, every reference of record that includes a safety belt system teaches away from the use of such a configuration on a vehicle and/or wheelchair lift.

The Federal Circuit has explained that a reference teaches away from a claimed invention when a person of ordinary skill, upon examining the reference, would be led in a direction different from the path that was taken by the applicant. *Jore Corp. v. Kouvato, Inc.*, 117 Fed. Appx. 761, 764-765 (Fed. Cir. 2005). In its highly-anticipated *KSR v. Teleflex* decision relating to the obviousness standard, the Supreme Court favorably cited *United States v. Adams*, 383 U.S. 39, 40 (1966). In *Adams* the Court held that where the prior art teaches away from combining certain known elements, a combination of those elements is more likely to be nonobvious. Adams's invention consisted of a battery that utilized certain materials for its electrodes that the prior art warned would be unsafe. In this case, every reference of record that includes any type of safety belt interlock system warns that failure to prevent ALL OPERATION of the vehicle or wheelchair lift whenever the safety belt is not fastened is unsafe.

Tremblay repeatedly explains that *all* lift functions are disabled when the restraint belt is not fastened. Tremblay emphasizes that his system "significantly increases" the safety of transported passengers. See, e.g., Tremblay at col. 2:47-51; col. 5:42-45, 65-68; and col. 6:9-12, 32-36.

The only other reference of record that teaches a safety belt with an electrical interlock feature is U.S. Patent No. 4,785,906 to Kang (cited by Applicants). Kang discloses a seat belt buckle with a built-in microswitch that is connected to the vehicle ignition to prevent vehicle operation until the seat belt is fastened. Kang explains that his invention is intended to prevent fatal wounds and serious injuries that otherwise result from the non-use of seatbelts. See Kang at col. 1:18-31. Kang further explains that his invention "safeguard[s] the life of drivers to the utmost." Kang at col. 1:32-34.

Just as the prior art references cited in *Adams* specifically warned against the use of Adams's electrode materials, Tremblay and Kang both teach that failure to prevent all movement or operation whenever the safety belt is unbuckled would be unsafe. The references therefore teach away from the claimed combination in which movement of the lift, once begun, can

continue regardless of whether the buckle and belt are engaged or disengaged. Where the prior art teaches away from the claimed invention in any material respect, an applicant may rebut a case of obviousness. *In re Peterson*, 315 F.3d 1325, 1331 (Fed. Cir. 2003).

For these and other reasons, claims 15 and 24 are allowable.

Rejection of Claims 1 and 11

Claims 1 and 11 stand rejected under 35 U.S.C. §112, second paragraph. Applicants have amended claims 1 and 11 to more particularly point out that the current path is defined *within* the buckle, and that the motive source of claim 1 and the lift system of claim 11 are capable of continuing movement regardless of the current state *within* the buckle.

Applicants respectfully submit that the amendments to claims 1 and 11 resolve the Examiner's concerns with respect to claims 1 and 11 and request withdrawal of the corresponding claim rejections under 35 U.S.C. §112, second paragraph.

Claims 1 and 11 are also rejected under 35 U.S.C. 102(b) as being anticipated by Tremblay (U.S. Patent No. 5,373,915). As understood by Applicants, the Examiner's primary basis for rejecting claims 1 and 11 under 35 U.S.C. 102(b) relates to the nature of the "current path." As explained to Applicants, in the Examiner's view the current path as originally claimed could be read to include additional circuitry unrelated to the claimed buckle, such as the circuitry immediately adjacent the vehicle battery.

To address the Examiner's concerns, Applicants have amended claims 1 and 11 to recite that the current path is "defined within the buckle." Applicants respectfully submit that Tremblay does not teach or suggest an assembly or system that includes a current path defined within the buckle and that is capable of operating in the manner claimed in claims 1 and 11.

Specifically, there is no circuitry in the device of Tremblay that prevents initiation of movement when a buckle is unbuckled, allows initiation of movement when the buckle is buckled, and is capable of continuing movement (once begun) should the buckle come unbuckled during movement.

For these and other reasons, claims 1 and 11 are allowable.

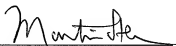
Rejection of Remaining Claims

Of the remaining claims, claims 2-10 depend from claim 1, claims 12-14 depend from claim 11, and claims 16-23 depend from claim 15. Claims 1, 11 and 15 are allowable for at least the reasons discussed above. Claims 2-10, 12-14, and 16-23 are therefore also allowable.

CONCLUSION:

In view of the foregoing, allowance of claims 1-24 is respectfully requested. Should the Examiner conclude that allowance of all of claims 1-24 cannot be provided at this time, Applicants are willing promptly to cancel any claims that are not deemed allowable in order to place this application in condition for allowance. The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,



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